

Too Many Kids in Foster Care California can do better

BY LEONARD EDWARDS

California has too many children in foster care, more than 96,000 by last count. About one out of five foster children in the United States lives in California. It is not because we have more child abuse or neglect, nor do we have more poverty. California has too many children in foster care principally because of several structural problems in the child welfare and juvenile dependency court systems. Two of the most significant problems are that we unnecessarily remove too many children from families and, once removed, children remain in the juvenile court system far too long.

It is too easy to remove a child from her parents in California. The law permits law enforcement to make most of the removal decisions. Social workers are only permitted to remove allegedly abused or neglected children in a few situations. Moreover, social workers are not required by law to be consulted before a child is removed from parental care. The result is that too many children are removed by law enforcement only to be returned within a short time after the social worker has an opportunity to investigate the case. For example, in two recent studies in Santa Clara County, law enforcement removed between 63 percent and 83 percent of all the children brought to the Children's Shelter without any social worker input into the decision to remove. Of those children, more than 25 percent were returned to the community (parents or family members) within 48 hours.

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This is not the fault of law enforcement. They have neither the time nor the expertise to make temporary placement decisions for children when the parents are not available. That is social work. A better practice would be to have the social worker assisting law enforcement when these decisions are made. Social workers are trained to make placement decisions, to investigate for relatives and neighbors. They are also experts in identifying emergency services that can obviate the necessity for removal. Moreover, social workers are under a federal and state legal mandate to provide services to prevent removal if that can be done safely. Law enforcement has no such legal mandate.

We should all agree that the removal of a child from parents is a major societal decision, one deserving the expert input of a social worker. Other states have laws that require more due process before children are removed by the state. At a

legislative hearing in Sacramento regarding this issue last month the Child Welfare League of America wrote that California is the only state in the country that permits law enforcement to routinely make these child removal decisions. Our legislators should examine the practices of other states so that California can develop better laws, policies and procedures for this momentous decision. This will reduce the number of unnecessary child removals as well as the significant trauma children experience when they are unnecessarily removed from parental care.

California also has too many foster children because once they are in foster care they stay there for too long. Federal and state laws declare that children need to be placed in permanent homes as soon as possible. This mandate requires that once removed from parental care, the juvenile court must find a permanent plan for a child within one year. A permanent plan might be return to a parent, adoption, legal guardianship or, the least preferred alternative, long-term foster care. Most juvenile courts in California have not been able to follow this law. Many children remain in the juvenile court system and in foster care far longer than one year. In a study completed by the Administrative Office of the Courts, children were “stuck” in the court system for years waiting for permanency. In Los Angeles and San Diego counties, the wait was approximately three years, while in San Francisco County the wait was almost five years.

Juvenile courts in some other states have developed better practices. They have demonstrated that the law can be followed and children can reach permanency within the legal time lines. Those jurisdictions that utilize these practices have reduced the time children remain under court jurisdiction and in foster care. In Arizona, between 1996 and 1999, the implementation of better practices in the juvenile courts reduced the length of time a child remained under the jurisdiction of the juvenile court by 50 percent and reduced the time children remained in out-of-home care from 400 to 178 days. The savings were estimated at \$5 million.

In Utah the utilization of these same best practices has produced similar results and children are able to have permanent homes in less than a year. In Cook County (Chicago), from 1995-2000, similar court practices reduced the number of children in foster care from more than 50,000 to under 20,000. The number is now about 17,000.

These best practices are well known in California. Indeed, they are referenced by the California Judicial Council in the Standards of Judicial Administration, where the Resource Guidelines for Abuse and Neglect Cases are recommended as best practices for California’s juvenile courts. Unfortunately, these best practices have not been implemented in the vast majority of California’s juvenile courts. The principal reason is that the California courts do not have the resources to devote to these cases. They do not have enough judges and attorneys to give

these cases the attention that they need in order to achieve better results. As a result, children remain before the California juvenile courts far longer than they should and far longer than the law permits.

This failure should be a major concern for the judiciary, the other branches of government and our community. We have a moral and legal obligation to provide these children with permanent homes. We have removed them from their family homes with the expectation that the law will be followed with regards to their care. We have not fulfilled our responsibility to them morally or legally. Children belong in families. We pay a high price for our failure to provide children permanent homes. Children who are not in a permanent homes have lesser chances for success in life. Children who remain in foster care cost our community enormous economic resources now and in the future. In the Arizona study, the improved practices resulted in \$5 million in savings in just three years in placement costs alone. The economic savings in California could be much greater.

The study of child welfare practices is still in its infancy. Yet we have learned enough to know what best practices are and how we can improve the ways in which we deal with crises in which children are alleged to be abused or neglected. We know that the best responses in the field involve law enforcement and, if children are to be removed from parental care, a social worker. We also know that by improving juvenile court practice we can shorten the time children remain before the juvenile court, reduce the time children remain in out-of-home care and save money.

The answer to “Too many kids in foster care” in California is not to find more foster homes — it is to improve the ways in which we respond to family emergencies and the way we process abuse and neglect cases in our juvenile courts. This is a situation that can be substantially improved, if we have the will to do so.

ABOUT THE AUTHOR:

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